

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

DYLAN CAMPBELL,

Plaintiff,

v.

Case No: 6:20-cv-846-PGB-LHP

UNIVERSAL CITY DEVELOPMENT  
PARTNERS, LTD.,

Defendant

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**ORDER**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: JOINT MOTION FOR APPROVAL OF MEDIATOR  
AND MEMORANDUM IN SUPPORT THEREOF  
(Doc. No. 89)**

**FILED: September 21, 2023**

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**THEREON it is ORDERED that the motion is DENIED without  
prejudice.**

The parties jointly request that the Court approve Anne Marie Estevez, Esq. as the mediator in this case, despite the fact that Attorney Estevez is not on the

Court's list of certified mediators<sup>1</sup> and does not satisfy the requirements of Local Rule 4.02(b). Doc. No. 89. *See also* Doc. No. 86, at 13 ("The Court prefers to appoint the *certified and approved mediator*, if any, chosen by the parties in their Case Management Report." (emphasis supplied)). The parties cite no legal authority in support, arguing only that given the novelty and complexity of the issues raised in this case, they believe having a mediator "with substantial knowledge and experience in this specialized area of the law would facilitate the mediation process," and in particular, Attorney Estevez, given her experience litigating complex matters under Title III of the ADA, her mediation of complex litigation matters, and her knowledge of counsel and the parties. *Id.* While the Court recognizes the expertise of Attorney Estevez, she does not meet the eligibility requirements to be a certified mediator of this Court.

Upon review, the motion will be denied without prejudice. Courts in this District "in certain circumstances permit the occasional appearance of a non-certified mediator . . . such as where a specific expertise is lacking among the Court's certified mediators, where global mediation of cases pending in many jurisdictions is necessary, or where all of the parties reside outside the jurisdiction and mediation

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<sup>1</sup> The list of certified mediators is available on the Court's website, <https://www.flmd.uscourts.gov/mediation-and-settlement>, by selecting "Certified Mediators (PDF)."

in a distant location may be more cost efficient.” *See Griffith v. Landry’s, Inc.*, No. 8:14-cv-3213-T-35TGW, 2015 WL 13903839, at \*1 (M.D. Fla. May 26, 2015). However, besides a bare reference to the “novelty and complexity” of the case, the parties do not demonstrate that there is no mediator on the certified mediator list with the necessary expertise. Nor do the parties satisfy any of the other considerations. Accordingly, under these circumstances, the Court declines to grant the parties’ request to appoint a non-certified mediator in this case. *See id.* (denying similar request under prior version of Local Rules). On or before **September 29, 2023**, the parties shall advise the Court on the selection of a mediator from the Court’s list of certified mediators.

Nonetheless, the Court notes that the parties “are ultimately free to mediate before whomever they wish and to engage in any meaningful alternative resolution to which all [p]arties accede.” *See id.* at \*2. Thus, nothing in this Order precludes the parties from engaging in an informal mediation before Attorney Estevez should they so choose.

**DONE and ORDERED** in Orlando, Florida on September 22, 2023.

  
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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties